

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

FENSTER, Paul et al.  
FENSTER & COMPANY  
INTELLECTUAL PROPERTY 2002 LTD.  
P.O.Box 10256  
IL-49002 Petach Tikva  
ISRAEL

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

23.10.2006

Applicant's or agent's file reference  
127/04091

#### IMPORTANT NOTIFICATION

International application No.  
PCT/IL2004/000603

International filing date (day/month/year)  
06.07.2004

Priority date (day/month/year)  
06.07.2004

Applicant  
RADIANCY INC. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

**RECEIVED**

Docketed By IR

29 OCT 2006

To: MZ ☐ ☐

**FENSTER**

Name and mailing address of the international  
preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Salaün, Marion

Tel. +49 89 2399-2126




# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 127/04091		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA416
International application No. PCT/IL2004/000603		International filing date (day/month/year) 06.07.2004	Priority date (day/month/year) 06.07.2004	
International Patent Classification (IPC) or national classification and IPC INV. A45D26/00 B26B21/48 B26B19/38				
Applicant RADIANCY INC. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  09.01.2006		Date of completion of this report  23.10.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer  RATTENBERGER, B  Telephone No. +49 89 2399-7091		



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IL2004/000603

---

**Box No. I Basis of the report**

---

1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3(a) and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4(a))
    - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

1-25 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IL2004/000603

---

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	1-25
	No: Claims	
Inventive step (IS)	Yes: Claims	1-25
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V**

The following documents are referred to in this communication:

D1: US-A-5 065 515 (IDEROSA RICHARD A) 19 November 1991 (1991-11-19)  
D2 : WO 03/009976 A (AZAR ZION ; SHALEV P (IL)) 6 February 2003 (2003-02-06)  
D3 : US 3 934 115 A (PETERSON GERALD H) 20 January 1976 (1976-01-20)

Independent claim 1:

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document) a hair cutting head (figure 3), for use in a hair cutting apparatus (figure 1), comprising an elongated heating element (15) suitable for heating hair growing from a skin surface, and at least one blade (46), placed at on the side of the elongated heating element, the at least one blade being situated and configured to cut the hair which has been heated by the heating element (column 3, line 58-61), from which the subject-matter of independent claim 1 differs in that the heating element is a wire and the wire is heated to a temperature of at least 50 °C.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT) over D1 as there is no specific temperature disclosed for the heating element in D1.

The subject-matter of independent claim 1 is also considered as involving an inventive step (Article 33(3) PCT) for the following reasons: A temperature above 50°C of the heating element in D1 is not suitable, because it leads to discomfort and could burn the skin of a user as the heating element of D1 is directly contacting the skin.

Remark: The subject-matter of independent claim 1 lacks clarity (Article 6 PCT), because it relates rather to a process than to an apparatus. There are no "means" disclosed in claim 1 how to achieve the desired result, neither how the wire is heated to a specific temperature nor how burning of the skin could be prevented (as for example defined in the subject-matter of dependent claim 2).

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/IL2004/000603

---

Document D2 (figure 12, 13) discloses a hair cutting head for use in a hair cutting apparatus, wherein the hair is cut/singed by a heated wire and an additional cutting blade is not necessary.

Document D3 discloses also a hair cutting head for use in a hair cutting apparatus, wherein hair is cut by two edge strips heated by current flowing therethrough, but also without disclosing an additional element or wire for preheating the hair to be cut.

Independent claim 13:

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claim 13 which therefore is also considered new and inventive over the prior art.

Remark: The subject-matter of claims 13 and 14 lacks unity (Rule 13.1 PCT) with respect to the subject-matter of claim 1.